

unpatentable over Stockl in view of Dungal and further in view of Myrvold, U.S. Patent No. 5,619,832 (Myrvold). The Examiner has rejected Claims 37 and 38 under 35 U.S.C. § 103(a) as being unpatentable over Stockl in view of Dickens et al., U.S. Patent No. 4,478,901 (Dickens). It is respectfully submitted that Claims 27-34 and 36-40 are patentable over the cited references.

Specifically, Claim 40 recites "third supporting the floor covering on a floor, the first and second projections having no overlapping regions in a plane of the floor covering; and third projections provided on the underside, arranged between the second projections, and having, in an unstressed state of the floor covering, a height smaller than a height of the second projections." No such third projections are disclosed in Stockl or any other reference.

The Office Action asserts "though the presence of the third projection on the bottom surface is not apparent until stress is applied to the mat, it is still present at all times (?) even in an unstressed state."

Firstly, applicant would like to point out that the claim limitations are always considered in static form not during an operation, and nor third projection is apparent, as it is recognized in the Office Action in the static form of the Stockl floor covering. It is a long held view that what is not readily

apparent is not obvious, and third projections is Stockl are not readily apparent in an unstressed condition of the Stockl covering (floor mat).

Even assuming, *arguendo*, that Stockl and Dungal are combined, the combination would still lack “third projections provided on the underside . . . and having, in an unstressed state of the floor covering a height smaller than a height of the second projections “and having” a load-dependent increasing characteristic line of rigidity,” as recited in Claim 40.

Since all claim limitations must be considered in an obviousness determination, and since the combination of Stockl and Dungal fails to disclose several of the important and recited elements and features of independent Claim 40, it is respectfully submitted that the present invention, as defined by Claim 40, is not rendered obvious by the combination of Stockl and Dungal and is therefore, patentably defines over said combination.

Claims 27-34, 36-38 and 40 depend on Claim 40 and are likewise allowable.

### CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects, in order to place the case in condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully Submitted,

Alexander Zinchuk

Alexander Zinchuk

Reg. No. 30,541

Dated: March 1, 2004  
Sidley Austin Brown & Wood LLP  
787 Seventh Avenue  
New York, N.Y. 10019  
Tel.: (212) 839-7356

I hereby certify that this correspondence is being sent by facsimile (703-872-9310) to the Commissioner of Patents, United States Patent and Trademark Office, Alexandria, VA 22313-1450 on March 1, 2004.

Alexander Zinchuk